

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

PALLADIUM BOOKS, INC.,
a Michigan corporation,
Plaintiff,

Case No. 10-11859
Hon. Julian Abele Cook, Jr.
Magistrate Judge Paul J. Komives

v.

TRION WORLDS, INC.,
a Delaware corporation, and
TRION WORLD NETWORK, INC.,
a Delaware corporation,
Defendants.

SPECIALLY APPEARING

**DEFENDANT TRION WORLDS, INC.'S OBJECTIONS TO PROPOSED ORDER
REGARDING DESTRUCTION AND USE OF PERSONAL DATA**

Specially Appearing Defendant Trion Worlds, Inc. f/k/a Trion World Network, Inc. ("Trion Worlds"), objects to the proposed order ("Proposed Order") submitted by plaintiff Palladium Books, Inc. ("Plaintiff") regarding the destruction and use of personal data.

While private information such as a social security number is required to be redacted under Federal Rule of Civil Procedure 5.2, a party filing its own private information – which Plaintiff did here – without redaction and not under seal waives that protection. Fed. R. Civ. P. 5.2(h). Nevertheless, as a matter of professional courtesy, and in compliance with the Court's instructions at the June 9, 2010, hearing, Trion Worlds and its counsel have already taken steps to destroy any copies of the Unredacted Exhibit.

The Proposed Order, however, contains provisions that will be extremely burdensome and costly to Trion Worlds. The deletion of the Unredacted Exhibit from all computers, computer systems, networks and servers will require substantial time and effort by multiple people in multiple locations (several of Latham's offices, the offices of Honigman, the offices of Trion Worlds), as this would require not only deletion from the local user's Inbox and/or hard

drive, but also the identification and location of the relevant files on the email servers, back-up systems, and network drives. These efforts will be very time-intensive and will require substantial oversight and supervision by attorneys to ensure that there was full compliance with the Proposed Order.

The filing of the Unredacted Exhibit was Plaintiff's error, which under the Federal Rules of Civil Procedure waives the protections set forth therein, and Trion Worlds should not be forced to shoulder such a significant burden to fix Plaintiff's mistake. If Plaintiff is willing to reimburse Trion Worlds for the time and effort, including all attorneys fees and costs, required to take all steps necessary to ensure full compliance with the burden that will be imposed by the terms of the Proposed Order, then Trion Worlds will agree to this provision. Otherwise, Trion Worlds does not object to taking reasonable efforts to destroy all hard and electronic copies of the Unredacted Exhibit.

Trion Worlds also objects to Paragraph (3) of the Proposed Order, as it implies that Trion Worlds has actually made some use of the Personal Data, which it has not. This provision is unnecessary and should be deleted.

Finally, Trion Worlds objects to the Proposed Order's requirement that it must certify in writing to the Court that it has fully complied with the Order. This requirement is unnecessary and burdensome, as Trion Worlds will of course comply with all Orders of this Court.

Trion Worlds accordingly submits herewith an alternate proposed order for the Court's consideration and respectfully requests that the Court enter this alternate order to protect Trion Worlds from unfair burden and expense.

HONIGMAN MILLER SCHWARTZ AND COHN LLP

/s/ Nicholas B. Gorga

Nicholas B. Gorga (P72297)

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Dated: June 11, 2010

CERTIFICATE OF SERVICE

I hereby certify that on June 11, 2010, I electronically filed the foregoing papers with the Clerk of the Court using the ECF system.

s/ Nicholas B. Gorga

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